

JH Ref P69477458

(Patent No. 10/642,568

Today's Date 8/10/04

Applicant, Patentee, Assignee E. STÖTZER

Filing Date/Patent Date February 27, 2004

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- \_\_\_\_\_ pp. Specification &  Claims  Response to Office Action  
 Combined Declaration, Power of Attorney  Disclosure Statement-IDS  
 Preliminary Amendment  Copies of References *7 Ref.*  
 Rule 53 (b) Application  Request for Refund  
 Rule 53 (d)/RCE Application  Request for Corrected Filing Receipt  
 Claim to Priority and Certified Copy  Petition for XOT  
 Substitute  Subsequent Declaration  Notice of Appeal/Brief  
 Maintenance Fee  Sequence Listing  
 Drawings \_\_\_\_\_ Sheets \_\_\_\_\_ Formal \_\_\_\_\_ Informal  Issue Fee Transmittal  
 Assignment/Change of Name  Other \_\_\_\_\_  
 Small Entity Declaration

Check for \$ \_\_\_\_\_

AUG 10 2004

U.S. PATENT & TRADEMARK OFFICE

JH 11/01 DUE DATE \_\_\_\_\_

Person filing Ron/145

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Erwin STÖTZER

Serial No. 10/642,568

Filed: February 27, 2004

For: METHOD AND DEVICE FOR  
MAKING A FOUNDATION  
MEMBER



Confirmation No.:

Art Unit: NOT YET ASSIGNED

Examiner: NOT YET ASSIGNED

Atty Docket: P69477US0

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As a continuing means of complying with the duty of disclosure under 37 C.F.R. §1.56, and in accordance with 37 C.F.R. §§1.97 and 1.98, Applicant through his undersigned attorney, submits this Information Disclosure Statement for the Examiner's consideration. Documents AA and AB are discussed in the present specification at page 1. Documents AC through AG were cited in an Office Action in the corresponding German priority application. Copies of these patents are submitted herewith and are listed on the attached Form PTO-1449.

RELEVANCE OF THE DOCUMENT

Documents AA and AB were discussed in the present specification at page 1. Documents AC and AG were cited in an Official Action in the corresponding German priority application. No English translations are provided for any of these documents, as no translation is within the

possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c). See MPEP 609.

Documents AC through AG are discussed below as to their relevance to the present invention.

DE 195 30 827 A1 discloses a slurry cutoff trenching as a two-face lift and a binder-infilling operation. In a two-phase system, a supporting suspension is circulated in a separating cycle in a first phase. In a second phase, the supporting suspension is displaced by a settable binding agent-soil-mixture is supplied to a mixing cycle.

DE 40 08 207 A1 discloses a method for constructing a retention wall, wherein a trench wall is excavated by a trench wall cutter and the trench wall is supported by a suspension. Binding agents or solids are fed into the suspension, while the suspension is circulated with a pump of the trench wall cutter in order to obtain a homogenous suspension.

DE 199 28 287 A1 describes a method for disposing of excavated waste material by conveying the material to a buffer container for entry to a drum washer, where coarse particles are separated from finer particles and an overflow is supplied to a hydro-cyclone screen apparatus.

DE 100 21 549 A1 describes a one-phase method for the construction of foundation elements supported by a suspension. The suspension used as a supporting liquid during the excavation remains in the excavated cavity and sets to the foundation element.

DE 41 41 629 C2 discloses a method for construction of a subterraneous curtain wall, which uses a self-hardening circulating suspension enriched with fine ground materials, to form a homogeneous wall material.

The present invention is distinguishable over the cited prior art because of the following features of the present invention. The present relates to a device for making a foundation

member in the ground; having a soil working implement for loosening the soil material in a soil area; a supply device for supplying a liquid to the loosened soil material; and a mixing device for mixing the loosened soil material in the soil area with said liquid to form a settable suspension. Such a device has a removal device for removing suspension from a first section of the soil area; and a return device for returning at least part of the removed suspension to a second section of the soil area. The present invention also relates to a method for making a foundation member in the ground.

Since this Information Disclosure Statement is being submitted before the mailing of the first Office Action on the merits, it is believed no fee is due. Accordingly, it is submitted that no fees are due in accordance with 37 C.F.R. §1.97(d) and (e). If there are any fees due in connection with the filing of this Information Disclosure Statement, please charge these fees to our Deposit Account No. 06-1358.

### CONCLUSION

In accordance with 37 C.F.R. §1.97 (h), the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited herein is, or is considered to be, material to the patentability as defined in 37 C.F.R. §1.56(b). Further, Applicant does not waive any rights to appropriate action to establish patentability over the listed documents should they be applied as references against the claims of the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and to similarly indicate in the official file wrapper of this patent application that the attached documents have been considered. If the Examiner has any questions or wishes

to discuss this application, the Examiner is invited to telephone the undersigned representative at the number set forth below.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

Date: August 10, 2004

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## Form PTO-1449

## Information Disclosure Citation

Atty Docket:  
P69477US0Application No.  
10/786,600Applicant  
Erwin STÖTZERFiling Date  
02/26/04Group Art Unit  
NOT YET ASSIGNED

## U.S. Patent Documents

Examiner Initial	QIP SEP 15 2003 APG	Patent Number	Date	Name	Class	Sub-Class	Filing Date

## Foreign Patent Documents

		Document Number	Date	Country	Class	Sub-Class	Trans-lation
	AA	42 19 150 C1	09/23/93	GERMANY	E02D	5/36	NO
	AB	198 25 169 C2	10/03/03	GERMANY	E02D	3/12	NO
	AC	195 30 827 A1	12/28/00	GERMANY	E02D	5/18	NO
	AD	40 08 207 A1	08/23/90	GERMANY	E02D	17/13	NO
	AE	199 28 287 A1	12/28/00	GERMANY	B03B	9/00	NO
	AF	100 21 549 A1	10/25/01	GERMANY	E02D	5/38	NO
	AG	41 41 629 C2	02/20/97	GERMANY	E02D	19/16	NO

## Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)


Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.